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Decision 90-12-107 Dec 19 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into 976 Information Access Service



ORDER MODIFYING DECISION (D.) 90-09-080 AND DENYING REHEARING

Public Advocates, on behalf of Minority/Low-Income/Consumer Coalition, has filed an amended application for rehearing of Decision (D.) 90-09-080. We have considered all the allegations of error in the the application and are of the opinion that good cause for rehearing has not been shown.

However, Public Advocates has correctly pointed out a factual error in D.90-09-080. The decision incorrectly stated that the Order Instituting Investigation, I.84-04-047, commenced on April 27, 1985. The correct date is April 17, 1985. As a result, the decision needs to be modify to compensate Public Advocates for its participation in I.85-04-047 for the period between April 17, 1985 and April 26, 1985.

Because there is sufficient evidence in the record to allow us to clearly calculate the amount of compensation for the hours during this period, rehearing on this matter will not be necessary. Public Advocates claims 39.25 hours in attorney's fees for this period. Applying a hourly rate of \$150, the result is \$5887.50. Because we awarded Public Advocates only 70% of the hours in I.85-04-047, this amount of \$5887.50 shall also be adjusted accordingly. The net result is \$4121.25. In sum, the decision is modified to reflect this calculation.

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Also, we will modify D.90-09-080 to correct a wrong citation to D.89-07-046 on page 23 of the decision. We refer to D.89-07-046 as a decision involving Public Advocates. However, this decision involves TURN. We hereby substitute D.89-07-046 with a decision which does involve Public Advocates, namely D.89-06-051.

Finally, we will modify D.90-09-080 to clarify language in the decision explaining how we determined the amount of compensation for Public Advocates in I.85-04-047.

Therefore, IT IS HEREBY ORDERED that D.90-09-080 is modified as follows:

1. On page 2, paragraph 2, line 3, page 32, paragraph 1, line 2, and page 32, paragraph 1, line 10, "\$130,048" is changed to read as "\$134,169.25."

2. On page 21, paragraph 2, line 2, page 22, paragraph 2, line 1, page 32, paragraph 1, line 5, and page 34, Findings of Fact Number 12, "932.25" is changed to read as "971.5."

3. On page 21, paragraph 2, line 4, page 27, paragraph 1, line 8, page 34, Findings of Fact Number 12, and page 34, Conclusions of Law Number 5, "April 27, 1985" is changed to read as "April 17, 1985."

4. On page 32, paragraph 1, line 5, "97,886" is changed to read as "102,007.25."

5. On page 23, paragraph 2, line 11, "D.89-07-046" shall be deleted and replaced with "D.89-06-051."

6. For purpose of clarification, we modify paragraph 1 on page 27 by adding the following language to the end of this paragraph:

> "Further, this award of 70%, as discussed below, also encompasses our proxy for the time reasonably devoted to the matters in I.85-04-047, which excluded noncompensable and unspecified hours devoted to issues involving other proceedings."

I.85-04-047 L/afm

IT IS FURTHER ORDERED that rehearing of D.90-09-080, as modified herein, is hereby denied.

This order is effective today.

- Dated Décémber 19, 1990, àt San Francisco, California.

G. MITCHELL WILK President FREDERICK R. DUDA STANLEY W. HULETT JOHN B. OHANIAN PATRICIA M. ECKERT Commissioners

I CERTIFY THAY THIS DECISION WAS APPROVED BY THE ABOVE COMMISSIONERS TODAY

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